

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

KEITH HAYWOOD,

Plaintiff,

v.

ORDER
05-CV-842A

REPUBLIC TOBACCO, CO., L.P.,

and

GLEN S. GOORD, Commissioner of the
Department of Corrections (DOCS),

Defendants.

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On March 19, 2007, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendant's motion to dismiss the amended complaint be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motion to dismiss the amended complaint is dismissed.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: April 6, 2007